

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

COMMONWEALTH EDISON COMPANY	:	
	:	
Petition for expedited approval of implementation of	:	No. 00-0259
a market-based alternative tariff, to become effective	:	
on or before May 1, 2000, pursuant to Article IX and	:	
Section 16-112 of the Public Utilities Act.	:	(Cons.)
CENTRAL ILLINOIS PUBLIC SERVICE COMPANY	:	
UNION ELECTRIC COMPANY	:	
	:	No. 00-0395
Petition for approval of revisions to market value	:	
tariff, Rider MV.	:	
ILLINOIS POWER COMPANY	:	
	:	No. 00-0461
Proposed new Rider MVI and revisions to Rider TC.	:	

**ILLINOIS INDUSTRIAL ENERGY CONSUMER'S**  
**MOTION FOR COMMISSION TO TAKE ADMINISTRATIVE NOTICE**

COME NOW Granite City Steel Division of National Steel Corporation, et. al., as the Illinois Industrial Energy Consumers or "IIEC," by Lueders, Robertson & Konzen, its attorneys, and move the Illinois Commerce Commission ("Commission") pursuant to 83 Ill.Adm.Code 200.640, et. seq. , to take administrative notice, as follows:

1. IIEC advised all parties and the Commission Staff at the hearing on February 27, 2001 of its intent to file this Motion requesting the Commission take administrative notice of the subject material.

2. IIEC requests that the Commission take administrative notice of information contained on Page 401a of the 1999 Illinois Form No. 1 ("the form") filed by Commonwealth Edison Company

(“ComEd”), dated December 31, 1999 attached as Exhibit A; or, in the alternative that the Commission take administrative notice of page 401a of the form itself.

3. In particular, IIEC requests that the Commission take administrative notice of all of the information contained in Line Nos. 10 and 22 of the form which is concerned with, “Purchases” and “Sales to Ultimate Consumers (Including Interdepartmental Sales),” respectively. The total for purchases found at Line 10 are 11,077,588 mwh and the sales to Ultimate Consumers found at Line 22 are 83,500,597mwh.

4. IIEC understands that the Commission requires each utility to incorporate (or otherwise append) its Federal Energy Regulatory Commission (“FERC”) Form No. 1 into that utility’s Illinois Form No. 21. The relevant information from FERC Form No. 1 which IIEC is concerned with in this Motion is also found in Illinois Form No. 21. As an annual report filed with the Commission, Illinois Form No. 21, as well as the facts contained therein, is/are noticeable under 83 Ill.Adm.Code 200.640(3) which provides for administrative notice of “[a]nnual reports, tariffs, classifications and schedules regularly established by or filed with the Commission as required or authorized by law or by an order or rule of the Commission.”

5. The facts which IIEC requests the Commission take administrative notice of are “generally recognized scientific or technical facts within the specialized knowledge of the Commission” and are therefore noticeable under 83 Ill.Adm.Code 200.640(6).

6. Further, 83 Ill.Adm.Code 200.640(7) provides that the Commission may take administrative notice of “[a]ll other matters of which the Circuit Courts of this State may take judicial notice.”

7. The form itself and/or the facts found therein certainly would be judicially noticeable in a circuit court. Circuit courts may take judicial notice of public documents, such as the form, because public documents included in the records of administrative agencies fall within the category of “readily verifiable facts which are capable of instant and unquestionable demonstration.” May Department Stores v. Teamsters Local 743, 64 Ill.2d 153, 355 N.E.2d 7, 9 (1976); *citing* McCormick, Evidence §330, at 766 (2<sup>nd</sup> ed. 1972); and 9 Wigmore, Evidence §2571, at 548 (3<sup>rd</sup> ed. 1940). *See, also*, Oswego Community Consol. School Dist. No. 434 v. Goodrich, 28 Ill.App.2d 407, 171 N.E.2d 816, 819 (Ill.App.Ct. 1960)(taking judicial notice of excerpts from a Census Bureau manual quoted in Appellants’ brief).

8. The information which IIEC requests the Commission take administrative notice of will assist in the evaluation of ComEd witness Nichols’ testimony, on reopening, regarding growth in activity on the Altrade electronic exchange (ComEd Ex. 13, P. 3, Ln. 7-8) by allowing that growth and the data collected to be measured and compared against sales and purchases, by ComEd measured in mwh. The subject information will also allow a testing of Mr. Nichols’ opinion that electronic exchanges (including Altrade) continue to be a reliable source of market data. (ComEd Ex. 13, P. 3).

WHEREFORE, IIEC prays the Commission take administrative notice of specified information contained on Page 401a of the 1999 Illinois Form No. 1 filed by Commonwealth Edison Company, dated December 31, 1999; or, in the alternative that the Commission take administrative notice of the page or form itself.

Respectfully submitted,

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Eric Robertson  
Lueders, Robertson & Konzen  
1939 Delmar Avenue  
P. O. Box 735  
Granite City, IL 62040  
618-8767-8500

30504.1

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

COMMONWEALTH EDISON COMPANY	:	
	:	
	:	
Petition for expedited approval of implementa-	:	Docket No. 00-0259
tion of a market-based alternative tariff to become	:	
effective on or before May 1, 2000, pursuant to	:	
Article IX and Section 16-12 of the Public	:	
Utilities Act.	:	
Central Illinois Public Service Company	:	
Union Electric Company	:	
	:	Docket No. 00-0395
Petition for approval of revisions to market value	:	
tariff, Rider MV	:	
Illinois Power Company	:	
	:	Docket No. 00-0461
Proposed new Rider MVI and Revisions to	:	Consolidated
Rider TC.	:	

NOTICE OF FILING

TO: Persons on Service List

PLEASE TAKE NOTICE that on March 1, 2001, IIEC filed via the e-docket with the Clerk of the Illinois Commerce Commission, 527 E. Capitol Avenue, Springfield, Illinois, 62701, IIEC's Motion for Commission to Take Administrative Notice.

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Eric Robertson  
Lueders, Robertson & Konzen  
1939 Delmar Avenue

Granite City, IL 62040

PROOF OF SERVICE

STATE OF ILLINOIS       )  
                                      )  
COUNTY OF MADISON    )       SS

I, Eric Robertson, being an attorney admitted to practice in the State of Illinois and one of the attorneys for Illinois Industrial Energy Consumers herewith certify that I did on the 1st day of March, 2001, electronically file with the Illinois Commerce Commission , IIEC's Motion for Commission to take Administrative Notice, and serve upon the persons identified on the attached service list, both electronically and by depositing same in the United States Mail, in Granite City, Illinois with postage fully prepaid thereon.

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Eric Robertson  
Lueders, Robertson & Konzen  
1939 Delmar Avenue  
P. O. Box 735  
Granite City, IL 62040  
(618) 876-8500

SUBSCRIBED AND SWORN to me, a Notary Public, on this 1<sup>st</sup> day of March, 2001.

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Notary Public

30504.2

SERVICE LIST - COMBINED DOCKETS 00-0259, 00-0395 and 00-0461

Sarah Read, D. Cameron Findlay  
Courtney A. Rosen  
Sidley & Austin  
Bank One Plaza  
10 S. Dearborn  
Chicago, IL 60603  
[sread@sidley.com](mailto:sread@sidley.com)  
[crosen@sidley.com](mailto:crosen@sidley.com)  
[cfindlay@sidley.com](mailto:cfindlay@sidley.com)  
1-312-853-7036 (F)

Rebecca Lauer  
Commonwealth Edison Company  
125 S. Clark Street  
Chicago, IL 60603  
[rebecca.lauer@ucm.com](mailto:rebecca.lauer@ucm.com)

S. Revethis, J. Feeley, J. Reichart  
Office of General Counsel  
Illinois Commerce Commission  
160 N. LaSalle Street - Ste C-800  
Chicago, IL 60601-3104  
[srevethis@icc.state.il.us](mailto:srevethis@icc.state.il.us)  
[jfeeley@icc.state.il.us](mailto:jfeeley@icc.state.il.us)  
[jreichar@icc.state.il.us](mailto:jreichar@icc.state.il.us)

James Hinchliff, Gerard Fox  
Timothy Walsh, Mary Klysheff  
Peoples Energy Services Corporation  
130 E. Randolph - 23<sup>rd</sup> Floor  
Chicago, IL 60601  
[jhinchliff@pecorp.com](mailto:jhinchliff@pecorp.com)  
[gtfox@pecorp.com](mailto:gtfox@pecorp.com)  
[twalsh@pecorp.com](mailto:twalsh@pecorp.com)  
[mklyash@pecorp.com](mailto:mklyash@pecorp.com)

C. Townsend, D. Fein, K. Way  
New Energy LLC  
203 N. LaSalle St. - Ste. 1800  
Chicago, IL 60601

Karen Norington & James Bryers  
Citizens Utility Board  
208 S. LaSalle Street  
Suite 1706  
Chicago, IL 60604  
312-263-4329 (F)  
[knorington@cupboard.org](mailto:knorington@cupboard.org)

P. O'Connor, K. Walsh  
New Energy Midwest, LLC  
309 W. Washington Street  
Ste. 1100  
Chicago, IL 60606-3205  
[Kwalsh@newenergy.com](mailto:Kwalsh@newenergy.com)  
[poconnor@newenergy.com](mailto:poconnor@newenergy.com)

R. Lawrence Warren, Michael Kaminski  
Sr. Asst. Attorney General  
100 W. Randolph Street  
12<sup>th</sup> Floor  
Chicago, IL 60601  
312-814-2549 (F)  
[lwarren@atg.state.il.us](mailto:lwarren@atg.state.il.us)  
[mkaminski@atg.state.il.us](mailto:mkaminski@atg.state.il.us)

Leijuana Doss, Marie Spicuzza  
Asst. State's Attorneys  
69 W. Washington  
Ste 700  
Chicago, IL 60602  
312-345-2401 (F)  
[saopib@wwa.com](mailto:saopib@wwa.com)

Hearing Examiner Larry Jones  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62701

[david.fein@piperrudnick.com](mailto:david.fein@piperrudnick.com)  
[christopher.townsend@piperrudnick.com](mailto:christopher.townsend@piperrudnick.com)  
[karen.way@piperrudnick.com](mailto:karen.way@piperrudnick.com)

C. Flynn, P. Ruxin,  
Jones, Day, Reavis & Pogue  
77 W. Wacker Drive  
Chicago, IL 60601  
[cflynn@jonesday.com](mailto:cflynn@jonesday.com)  
[paulruxin@jonesday.com](mailto:paulruxin@jonesday.com)  
312-782-8585 (F)

Michael A. Munson  
Law Office of Michael A. Munson  
8300 Sears Tower - 233 S. Wacker Dr.  
Chicago, IL 60606  
(F) 312-4747898  
[Michael@Munson.com](mailto:Michael@Munson.com)

A. Robert Lasich, Jr.  
MidAmerican Energy Company  
800 Ruan Center  
666 Grand Blvd.  
Des Moines, IA 50309  
[arlasich@midamerican.com](mailto:arlasich@midamerican.com)

Joseph H. Raybuck  
Ameren Services Company  
One Ameren Plaza  
1901 Chouteau Avenue  
St. Louis, MO 63166-6149  
[jraybuck@ameren.com](mailto:jraybuck@ameren.com)

Freddi L. Greenberg  
1603 Orrington Avenue, Suite 1050  
Evanston, IL 60201  
847-864-4037 (F)  
[flgreenberg@flglaw.com](mailto:flgreenberg@flglaw.com)

A. Neff, R. Jolly, S. Walter, C. Reddick  
City of Chicago - Dept. of Law

[ljones@icc.state.il.us](mailto:ljones@icc.state.il.us)

Edward Griffin, Mike Seidel  
Defrees & Fiske  
200 S. Michigan Avenue  
Suite 1100  
Chicago, IL 60604  
[EGRIFFIN@DEFREES.COM](mailto:EGRIFFIN@DEFREES.COM)  
[WMSEIDEL@DEFREES.COM](mailto:WMSEIDEL@DEFREES.COM)  
312-939-5617 (F)

Craig Sieben  
Sieben Energy Associates  
401 N. Wabash Avenue  
Suite 536  
Chicago, IL 60611  
312-828-0755  
[csieben@siebenergy.com](mailto:csieben@siebenergy.com)

Daniel D. McDevitt  
Gardner, Carton & Douglas  
321 N. Clark Street  
Suite 3400  
Chicago, IL 60610  
[dmcdevitt@gcd.com](mailto:dmcdevitt@gcd.com)

Michael Gilson, Manager  
Union Electric Company  
500 E. Broadway  
East St. Louis, IL 62201  
[mgilson@ameren.com](mailto:mgilson@ameren.com)

Robert Garcia  
IL Commerce Commission  
160 N. LaSalle Street, Ste. C-800  
Chicago, IL 60601-3104  
[bgarcia@icc.state.il.us](mailto:bgarcia@icc.state.il.us)

Nicholas Shea, Keith Goerss  
Central IL Light Company



30 N. LaSalle Street, Suite 900  
Chicago, IL 60602  
312-744-6798 (F)  
[aneff@ci.chi.il.us](mailto:aneff@ci.chi.il.us)  
[rjolly@ci.chi.il.us](mailto:rjolly@ci.chi.il.us)  
[swalter@ci.chi.il.us](mailto:swalter@ci.chi.il.us)  
[creddick@ci.chi.il.us](mailto:creddick@ci.chi.il.us)  
Joseph Lakshmanan, Chris Olsen  
Illinois Power Company  
500 South 27<sup>th</sup> Street  
Decatur, IL 62521  
[joseph\\_lakshmanan@illinoispower.com](mailto:joseph_lakshmanan@illinoispower.com)  
[chris\\_olsen@dynegy.com](mailto:chris_olsen@dynegy.com)

Debra Kutsunis  
MidAmerican Energy Company  
106 E. 2<sup>nd</sup> Street  
Davenport, IA 52801  
[dlkutsunis@midamerican.com](mailto:dlkutsunis@midamerican.com)

Susan Landwehr  
Enron Energy Services, Inc.  
900 Second Ave, South, Ste. 890  
Minneapolis, MN 55402  
[susan\\_m\\_landwehr@enron.com](mailto:susan_m_landwehr@enron.com)

Koby Bailey  
Director of Regulatory Affairs  
Nicor  
P. O. Box 3014  
Naperville, IL 60566-7014  
[kbailey@nicorinc.com](mailto:kbailey@nicorinc.com)

Steve Hickey  
Illinois Commerce Commission  
527 E. Capital Avenue  
Springfield, IL 62794

E. Glenn Rippie  
Commonwealth Edison Company  
Two First National Plaza

300 Liberty Street  
Peoria, IL 61602  
[nshea@cilco.com](mailto:nshea@cilco.com)

Michael Sheridan  
CMS Marketing Service & Trading Co.  
One Jackson Square - Ste. 1060  
Jackson, MS 39201  
[msheridan@cmsenergy.com](mailto:msheridan@cmsenergy.com)

Sherman Elliott  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62701  
[selliott@icc.state.il.us](mailto:selliott@icc.state.il.us)

Michelle Mishoe  
Illinois Commerce Commission  
160 N. LaSalle Street - Ste. C-800  
Chicago, IL 60601-3104  
(F) 217-782-1042  
[Mmishoe@icc.state.il.us](mailto:Mmishoe@icc.state.il.us)

Thomas Russell  
Unicom Energy, Inc.  
125 S. Clark Street - 1535  
Chicago, IL 60603  
[thomas.j.russell@ucm.com](mailto:thomas.j.russell@ucm.com)

Anastasia M. O'Brien  
Commonwealth Edison Company  
125 S. Clark Street  
Chicago, IL 60603  
[Anastasia.OBrien@exeloncorp.com](mailto:Anastasia.OBrien@exeloncorp.com)

20 S. Clark Street  
Suite 500  
Chicago, IL 60603  
[Glenn.Rippie@exeloncorp.com](mailto:Glenn.Rippie@exeloncorp.com)